

Date of Hearing: April 18, 2023

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Corey A. Jackson, Chair

AB 310 (Arambula) – As Amended March 23, 2023

SUBJECT: CalWORKs

SUMMARY: Makes various changes to the current California Work Opportunity and Responsibility to Kids (CalWORKs) Act and welfare-to-work (WTW) requirements.

Specifically, **this bill:**

- 1) Removes references to “welfare-to-work,” and instead replaces law with “family assistance.”
- 2) Removes references to “welfare departments,” and instead replaces it with “human services agencies.”
- 3) Removes the definition of an “unemployed parent” from statute.
- 4) Repeals the assumption a child for whom a parent is applying for assistance must be considered to be deprived of parental support or care due to the unemployment of his or her parent or parents when the parent has worked less than 100 hours in the preceding four weeks.
- 5) Removes allowance of a family receiving CalWORKs with a child who is considered to be deprived of parental support or care due to unemployment to continue to receive assistance regardless of the number of hours his or her parent works, provided the family does not exceed the applicable gross or net income limits and is otherwise eligible for assistance. Further, repeals requirements that aid or services shall be granted when a child is deprived of parental support or care due to:
 - a) The death, physical or mental incapacity, or incarceration of a parent;
 - b) The unemployment of a parent or parents; or,
 - c) Continued absence of a parent from the home due to divorce, separation, desertion, or any other reason, except absence occasioned solely by reason of the performance of active duty in the uniformed services of the United States. “Continued absence” exists when the nature of the absence is such as either to interrupt or to terminate the parent’s functioning as a provider of maintenance, physical care, or guidance for the child, and the known or indefinite duration of the absence precludes counting on the parent’s performance of the function of planning for the present support or care of the child. If these conditions exist, the parent may be absent for any reason, and may have left only recently or some time previously.
- 6) Revises the requirement for counties, when administering CalWORKs, to prioritize families achieving the greatest possible reduction of dependency and to promote the rehabilitation of recipients, to instead require counties to administer the program in a manner that achieves the greatest possible improvement in the family’s circumstances.

- 7) Strikes the requirement for counties to, at the time of application, to discuss parental responsibility with the applicant. Deletes provisions related to the Demonstration Project and its requirements.
- 8) Repeals requirements for all children receiving aid to attend school and provide documentation of school attendance.
- 9) Repeals evidence submission requirement of up-to-date immunization records except with medical exemption within 45 days of eligibility determination.
- 10) Repeals the requirement that recipients of aid must perform a sequence of employment-related activities required of recipients, and instead allows a recipient to participate in any of the following employment-related activities as follows:
 - a) Recipients must, and applicants may, at the option of a county and with the consent of the applicant, receive orientation to the WTW family assistance program and receive appraisal;
 - b) An applicant may participate in family stabilization or housing search, substance abuse, mental health, or domestic violence services;
 - c) A recipient who has not received their high school diploma or its equivalent shall be offered the opportunity to have a family assistance plan to participate in a high school education program or high school equivalency program. If the recipient declines to participate in specified educational activities, and to instead participate in other activities, if eligible, such as mental health or substance abuse services the recipient shall make that election, in writing, on the family assistance plan;
 - d) A recipient shall be offered an assessment. Following assessment, the county and the recipient shall work collaboratively to develop a family assistance plan. The plan shall specify the activities to which the recipient has chosen to participate in, and the supportive services with which the recipient will be provided. A proposed plan shall be provided to the recipient that includes all eligible specified activities. The recipient shall have the option of indicating which activity they opt to participate in and return the plan to the county in a self-addressed prepaid envelope; and,
 - e) A recipient may participate in specified work activities.
- 11) Removes the condition of eligibility to participate in WTW; and instead, replaces the requirement with the “opportunity to participate in family assistance.” Further, removes “requirements” with “expectations” making it a voluntary work program throughout the code sections governing WTW.
- 12) Removes requirements to obtain a high school degree, as specified, and instead allows participation to obtain a high school degree for a custodial parent.
- 13) Removes the exception for termination of participation in CalWORKs for victims of domestic violence only when “it is detrimental to or unfairly penalizes that individual or their family,” and instead allows all victims of domestic violence to participate.

14) Removes the requirement, if a county provides services to the recipient after the 60-month limit has been reached, for the participant to participate in community service or subsidized employment.

15) Repeals the following sanction exemptions:

- a) The employment, offer of employment, activity, or other training for employment discriminates on any basis, as specified;
- b) The employment, or offer of employment, exceeds the daily or weekly hours of work customary to the occupation, the recipient provides documentation to the county human services agency that the anticipated hours would be so unpredictable for that specific recipient that they would not allow the recipient to anticipate compliance with program requirements related to the job, or the recipient provides documentation to the county human services agency that the scheduled hours exhibit a pattern of unpredictability for that specific recipient that does not allow the recipient to anticipate compliance with program requirements related to the job;
- c) The employment, offer of employment, activity, or other training for employment requires travel to and from the place of employment, activity, or other training and a recipient's home that exceeds a total of two hours in round trip time, exclusive of the time necessary to transport family members to a school or place providing care, or, if walking is the only available means of transportation, the round trip is more than two miles, exclusive of the mileage necessary to accompany family members to a school or a place providing care. A recipient who fails or refuses to comply with the specified program requirements shall be required to participate in community service activities;
- d) The employment, offer of employment, activity, or other training for employment involves conditions that are in violation of applicable health and safety standards;
- e) The employment, offer of employment, or work activity does not provide for workers' compensation insurance;
- f) Accepting the employment or work activity would cause an interruption in an approved education or job training program in progress that would otherwise lead to employment and sufficient income to be self-supporting, excluding work experience or community service employment or other community work experience assignments, except that a recipient may be required to engage in WTW activities to the extent necessary to meet the hours of participation required;
- g) Accepting the employment, offer of employment, or work activity would cause the recipient to violate the terms of the recipient's union membership;
- h) The recipient states that the employment or offer of employment fails to comply with the Healthy Workplaces, Healthy Families Act of 2014;
- i) The recipient states that the recipient experienced sexual harassment or other abusive conduct at the workplace;

- j) The recipient states that the recipient's rights under the Wage Theft Prevention Act of 2011 were violated;
 - k) The recipient states that the recipient's rights under the Domestic Worker Bill of Rights; CROWN Act; California Family Rights Act; Garment Worker Protection Act; Fair Chance Act; Gender Nondiscrimination Act; California Fair Employment and Housing Act leave, protections afforded to an employee who is a victim of domestic violence, sexual assault, or stalking to an employee who is a victim of a crime, and to an employee whose immediate family member is deceased as a direct result of a crime, or seeks medical treatment as a result, Family-School Partnership Act, lactation accommodations, or any federal, state, local labor or employment law, were violated;
- 16) Provides that sanctions cannot be applied for a refusal to participate in work activities when the recipient states that there are physical, mental, emotional, or other family circumstances, or labor law bases, that cause them to not participate, and the county shall instead offer, but not require, referrals to barrier-removing services.
- 17) Allows CalWORKs participants to satisfy one, or a combination of work, education, training, and other activities that address the family's goals and well-being in a family assistance plan developed with the county.
- 18) Expands education requirements to any of the following:
- a) Obtaining a high school diploma;
 - b) Technical training and vocational education;
 - c) Career-specific education; or,
 - d) Postsecondary education leading to a degree or certificate.
- 19) Provides that proof of attendance shall satisfy education requirements.
- 20) Adds to list of approved family assistance plan activities as follows:
- a) Home visiting, financial literacy classes and coaching, working with children's health and school professionals, working with child welfare or on child welfare-related activities, and any other activities that are necessary to obtain and retain employment or improve family or financial well-being;
 - b) Adds activities that develop and enhance workplace skills, including, but not limited to, career-specific training programs, English language learning, literacy and mathematics skill courses, or credential programs, and,
 - c) Activities that build foundations for employment, including, but not limited to, housing search efforts, arrangement of transportation, or arrangement of childcare.
- 21) Removes provisions related to work requirements for pregnant women.
- 22) Adds that activities provided by the county shall also include activities that enhance the family's well-being.

- 23) Repeals WTW activity hour requirements.
- 24) Removes obsolete language about 24-month aid limitation that became inoperative.
- 25) Provides that if supportive services are unavailable for a work activity that the participant would engage in, the county shall not consider the participant to have refused to participate in any work activity.
- 26) Adds cost of transportation to child care including mileage to the list of supportive services that a county must provide.
- 27) Requires the county to review the availability of supportive services, and, in conjunction with the participant, determine which services are necessary to enable participation in the initial discussion of participation in work activities. The county must inform the participant orally and in writing of the methods by which the participant may notify the county of changed needs for supportive services. The county must provide information to the participant regarding supportive services on a regular basis, but not less than every six months. Further requires, if the county does not have a personal contact with the participant during this time, the county to send a reminder notice regarding the availability of supportive services to the participant by their preferred method of communication; Requires the California Department of Social Services (CDSS) to develop the reminder notice in consultation with stakeholders.
- 28) Revises provisions to authorize the recipient and the county to enter into a WTW plan as late as 90 days after the completion of the job search activity, if the job search activity is initiated within 30 days after the recipient's eligibility for aid is determined, and instead requires the county to provide the recipient with a plan form within 60 days after the date eligibility for aid is determined, or the date the recipient chooses to participate in family assistance activities wherein the recipient may select the activities and the number of hours they want to participate in, including any and all available support services.
- 29) Revises the requirement for the plan to include the activities and services that will move the individual into employment, and instead authorizes the recipient to opt to return the plan form to the county within 30 days.
- 30) Requires the county to allow the participant 30 working days instead of the current three working days after completion of the plan or subsequent amendments to the plan in which to evaluate and request changes to the terms of the plan.
- 31) Removes the requirement for any assignment to a program component to be reflected in the plan or an amendment to the plan and for the participant to maintain satisfactory progress toward employment through the methods set forth in the plan, and for the county to provide specified services, and instead requires the county to regularly review the plan with the participant to ensure that the plan accurately reflects the current services and participation activities best suited to support the participant's well-being.
- 32) Repeals job search requirements to be eligible for aid.
- 33) Repeals requirements to allow a student to continue in a program if the student is making satisfactory progress in a program, the county determines that continuing in the program is

likely to lead to self-supporting employment for that recipient, and the WTW plan reflects that determination, and instead just allows the student to continue in the program.

- 34) Repeals the prohibition of eligibility for any individual who possesses a baccalaureate degree unless the individual is pursuing a California regular classroom teaching credential in a college or university with an approved teacher credential preparation program.
- 35) Requires the county to offer an individual that fails to participate in a self-initiated program an opportunity to develop another family assistance plan that provides for other work activities.
- 36) Permits individual to resume a self-initiated program if they have addressed the barriers causing the interruption.
- 37) Removes the requirement that the county must determine whether the recipient's family is experiencing an identified situation or crisis that is destabilizing the family and would interfere with participation in WTW activities and services to be eligible to participate in family stabilization.
- 38) Permits a recipient to participate in family stabilization if the recipient's family chooses to do so and the family is experiencing an identified situation or crisis that is destabilizing the family.
- 39) Repeals the requirement that if activities to be provided under the plan between the county welfare department and the participant are not immediately available to the participant, he or she shall receive job search activities until the education or training services designated in the plan are available.
- 40) Requires a substance abuse treatment plan be developed in a manner that is consistent with the county's family assistance program with treatment services available to any family member while on aid who opts to receive these services.
- 41) Removes provisions permitting a participant who is in a job search component of the county's WTW program to be directed at any time to an assessment by the job search manager if the county believes that the participant's substance abuse may limit or preclude his or her satisfactory completion of the job search component.
- 42) Removes the prohibition of a recipient from participating in a substance abuse treatment program for longer than six months without concurrently participating in a work activity, as determined by the county and the recipient, in consultation with the treatment provider.
- 43) Removes the requirement for counties to conduct a reappraisal of who does not obtain unsubsidized employment upon completion of all activities included in the WTW plan developed. Further removes the requirement to allow additional activities to be assigned or termination in aid based on the assessment.
- 44) Removes the ability for counties to issue sanctions when a participant is not compliant of the program for good cause.

- 45) Removes references to a “failure to comply” with program requirements, and instead references “refusal to comply” which is defined as: recipient is physically, mentally, and emotionally capable of participating in family assistance activities, but clearly demonstrates that they will not participate in any family assistance activity.
- 46) Requires the county, upon determination that an individual has refused to participate in any work activity, to reach out to the individual by their preferred method of communication to review the sanction that could be imposed and to determine if the individual still refuses to participate in any activity. If the individual continues to refuse to participate during this outreach, and does not begin participating within 30 days of the outreach, the county must send a notice of action of proposed sanction, unless the county opts to make additional outreach attempts. The county must document the outreach attempts.
- 47) Establishes that if the recipient continues to refuse to participate in any work activity after the county outreach attempts, the county must issue a notice of action effective no earlier than 30 calendar days from the date of issuance informing the individual that a sanction will be imposed if the individual continues to refuse to participate in any work activity. The recipient may indicate a willingness to participate in person, by mail, email, or fax, or online.
- 48) Deletes various requirements previously required in the written notice of action, and instead adds the following requirements to counties:
- a) Inform the individual that the county found the recipient capable of participating in work activities;
 - b) Provide the dates and manner in which the recipient refused to participate in any work activity;
 - c) Inform the individual of their ability to assert that they are not capable of participating in work activities assert good cause, request an exemption from work participation, or assert their willingness to participate prior to the effective date of the notice to avoid a sanction, and the means of doing so; and,
 - d) Provide the general description of what it means to be capable of participating in work activities and good cause and examples, and a list of available exemptions.
- 49) Recasts the provisions related to the requirement for counties, in determining whether good cause exists for a refusal or failure to comply with program requirements, to take into consideration whether the participant has a mental disability that caused or substantially contributed to the refusal or failure to comply with program requirements and requires this determination to be made, where appropriate, in consultation with the county mental health department to instead require counties to determine whether good cause exists for a refusal to participate in family assistance activities, and to take into consideration whether the participant attests to a mental condition or impairment or a need, including due to the participant experiencing extenuating circumstances, such as homelessness, food insecurity, and other circumstances, that require mental health services, that caused or substantially contributed to the refusal to participate in family assistance activities and further requires the county, if that attestation specifies that the participant was unable to obtain mental health services, to offer any available services to the participant.

50) Strikes the following provisions:

- a) Subjects participants who fail to demonstrate that they are making adequate progress in school, either by failing to provide the report card or based on the grades on the report card, to, not more than four times in a calendar year, a sanction resulting in a \$100 reduction of the amount that would otherwise be paid, apportioned equally over a two-month period;
- b) Authorizes participants, including, but not limited to, those subject to sanctions, to seek to demonstrate good cause for lack of adequate progress. Requires the county, if there is good cause for lack of adequate progress to either defer the participant from program participation, or waive all or part of the sanction, or both. Prohibits participants from being otherwise subject to conciliation and sanctions, and to be referred to case management services to determine the causes of poor school performance and how it can be improved; and,
- c) Stipulates that failing to make adequate progress in school constitutes good cause only when there is a condition or other circumstances that substantially deprive the participant of the ability to make adequate progress on the report card or periodic progress report. Repeals the requirement that whenever an unrelated adult male resides with a family applying for or receiving aid under this chapter, he shall be required to make a financial contribution to the family which shall not be less than it would cost him to provide himself with an independent living arrangement, and that the minimum financial contribution to the family must be determined in accordance with standards established by CDSS which takes into account such adult male person's income and expenses.

51) Repeals the provision making it a misdemeanor for the failure of any parent whose absence is the basis upon which an application is filed for aid on behalf of a child must complete and return to the county within 15 days after service a written statement of his current monthly income, his total income over the past 12 months, a description of all real and personal property owned by him, together with an estimate of its value, the number of dependents for whom he is providing support, the amount he is contributing regularly, toward the support of all children for whom application for aid is made under this chapter, his social security number, his current monthly living expenses and such other information as is pertinent to determining his ability to support his children.

52) Permits CDSS, to the extent inconsistent with federal regulations implementing the federal Deficit Reduction Act of 2005 (P.L. 109-171), to amend the funding structure for exempt families to ensure consistency with these regulations, not later than 30 days after providing written notification to the chair of the Joint Legislative Budget Committee and the chairs of the appropriate policy and fiscal committees of the Legislature.

EXISTING LAW:

- 1) Establishes the federal "Temporary Assistance for Needy Families" (TANF) program, which provides block grants to states to develop and implement their own state WTW programs designed to provide cash assistance and other supports and services to low-income families (42 United States Code 601 *et seq.*)

- 2) Establishes in state law the “CalWORKs” program to provide cash assistance and other social services for low-income families through TANF. Under CalWORKs, each county provides assistance through a combination of state, county and federal TANF funds. (Welfare and Institutions Code Section [WIC] 11120 *et seq.*)
- 3) Establishes income, asset, and real property limits used to determine eligibility for the CalWORKs program, and CalWORKs grant amounts, based on family size and county of residence. (WIC 11150-11160, 11450 *et seq.*)
- 4) Exempts the following from consideration as income for purposes of public social services, including CalWORKs, programs, as specified:
 - a) Income that is received too infrequently to be reasonably anticipated, as exempted in federal SNAP regulations;
 - b) Income from college work-study programs;
 - c) An award or scholarship provided by a public or private entity to or on behalf of a dependent child;
 - d) Income or stipend paid by the United States (U.S.) Census Bureau, a governmental entity, or a nonprofit organization for temporary work related to the decennial census; and,
 - e) Any federal pandemic unemployment compensation, so long as the federal pandemic unemployment compensation is exempt as income for purposes of establishing eligibility for the CalFresh program. (WIC 11157(b-d))
- 5) Requires all individuals over 16 years of age, unless they are otherwise exempt, to participate in WTW activities as a condition of eligibility for CalWORKs. (WIC 11320.3)

FISCAL EFFECT: Unknown, this bill has not been analyzed by a fiscal committee.

COMMENTS: This bill makes a series of changes to the WTW program which shift the focus of the program from prescriptive work requirements to family assistance activities by revising requirements of the program and refocusing with voluntary work and school requirements as well as an expansion of allowable and encouraged work-related activities.

Background: *CalWORKs* is the state’s primary cash assistance program. More specifically, CalWORKs implements the federal TANF program which is a federal flexible block grant with the objective of providing income and support to families with children. CalWORKs provides eligible low-income families with cash grants and supportive services aimed at helping them to secure education, training, and employment. Among others, the supportive services include mental health counseling, substance use disorder treatment, or domestic violence services; job skills training; attendance in a secondary school or in a course leading to certificate of general educational development.

Unless deemed exempt or otherwise not required to participate per CalWORKs rules, parents are required to develop and participate in a WTW plan. CalWORKs-approved WTW activities can include public or private sector subsidized or unsubsidized employment; on-the-job training;

community service; secondary school, adult basic education and vocational education and training when the education is needed for the recipient to become employed; specific mental health, substance use disorders, or domestic violence services if they are necessary to obtain or retain employment; and a number of other activities necessary to assist a recipient in obtaining unsubsidized employment.

In 2021-22, the maximum monthly grant for a family of three on CalWORKs (one parent and two children), if the family has no other income and lives in a high cost-of-living county, is \$925. The same family living in a lower cost-of-living county would be eligible for up to \$878 per month. However, the average monthly cash grant for the family is estimated to be \$717. Many families earn some income, or live in a lower cost-of-living county, and do not qualify for the maximum grant amount. About 398,400 families are projected to receive CalWORKs benefits in Fiscal Year 2022-23.

Work Participation Rate (WPR). The federal TANF program's only measurable accountability tool is the WPR. States that do not meet the WPR goals become at risk for losing block grant money. The WPR goal or target as prescribed by the federal TANF program is that families receiving assistance are engaged in at least 30 hours/week of work-related activities as described in a set list (or 20 hours a week for single parents with one or more children under 6 years old) or face financial penalties such as losing aid. The federal list has a focus on work-first rather than training or education. As such there is a list that can count for all hours and then a separate list that only count toward some hours. The following can count toward all hours:

- Unsubsidized employment;
- Subsidized private sector employment;
- Subsidized public sector employment;
- Work experience;
- On-the-job training;
- Job search and job readiness assistance;
- Community service programs;
- Vocational educational training, for up to 12 months; and,
- Providing child care services to an individual who is participating in a community service program.

The following can only count toward some of the hours:

- Job skills training directly related to employment;
- Education directly related to employment; and,
- Satisfactory attendance at secondary school or in a course of study leading to a high school equivalency certificate.

In a February 2023 policy brief, the California Budget Center found that, “research suggests many clients need both employment-focused activities and those encouraging education and treatment, many welfare-to-work activities related to barrier removal and education do not fully count towards the federally-defined WPR, such as counseling for domestic violence.”

TANF law requires states to engage 50% of all families and 90% of two-parent families with work-eligible individuals in work activities; however, states can get credit toward meeting those rates if their cash assistance caseload has fallen. The maximum penalty in the first year a state misses the rate is 5% of the block grant, but it increases by 2% a year if states fail to achieve their target rates for multiple years in a row. States may avoid the financial penalty by submitting a “corrective compliance plan” that explains the steps they will take to bring their work participation rate up to the target level. The Congressional Research Service reported that, “In FY2021, Florida, Maryland, and Oregon did not meet their all-family participation standard. California, Florida, Guam, Hawaii, Nevada, New Mexico, North Carolina, Oregon, Rhode Island, and Wyoming did not meet their two-parent participation.” The measure is purely hours clocked doing the specified approved work-related activities and does not measure if those work-related activities has resulted in gainful employment or assisting families in getting out of poverty.

States can permit recipients to have different activities than those that are federally prescribed or even change the hour requirements to fewer (or more) hours, or exempt all work-related activities. However, if a state chooses to make those changes or exempt recipients from participation, the state is still subject to the WPR which compels many states to align close with federal law so they don’t lose block grant money. The Center on Budget and Policy Priorities stated in a 2021 report entitled, “*TANF Cash Assistance Helps Families, But Program Is Not the Success Some Claim*”, “TANF promised “work, not welfare” but left many families with neither. Here are four ways in which TANF is not the success that some claim:

- Its work requirements caused a rise in deep poverty.
- Its work requirements haven’t helped recipients find quality jobs.
- It reaches few families in need.
- Its benefit levels are too low and continue to lose value.”

CalWORKs welfare-to-work requirement. Unless deemed exempt, an adult in a one-parent assistance unit is required to participate in WTW activities for an average of 30 hours per week or, in the case of someone who is pregnant or parenting a child under age six, an average of 20 hours per week, monthly. In a two-parent assistance unit, one or both adults must participate in WTW activities for a combined average of 35 hours per week. WTW activities include participation in subsidized and unsubsidized employment, community service, adult basic education, community college, job skills, training, mental health counseling, substance abuse treatment, domestic abuse services, or other activities necessary to assist recipients in obtaining employment. If a CalWORKs recipient who is not exempt from participation does not meet the WTW requirements, the recipient may be sanctioned, and that recipient’s portion of the family’s grant may be subtracted from the amount provided to the family.

Prior to 2011, CalWORKs recipients could receive cash aid for up to 60 months, which aligned with federal rules. During recessionary state budget cuts, the maximum time on aid was reduced

to 48-months and a 24-month time clock for WTW was created through SB 1041 (Committee on Budget and Fiscal Review), Chapter 47, Statutes of 2012. However, AB 79 (Committee on Budget), Chapter 11, Statutes of 2020, restored the 60-month lifetime limit on receipt of benefits for qualified individuals and removed the 24-month limit on WTW activities. The changes made by AB 79 took effect on May 1, 2022.

Welfare to work exemptions. CalWORKs participants may be granted exemptions that excuse them from WTW requirements. These exemptions can include, but are not limited to, pregnancy, domestic violence, a disability that will last 30 days or more, providing foster care, being less than 16 years of age (or less than 19 years of age if attending school full time) or more than 60 years of age, or for the care of an infant or a young child. If exempt, a person can still voluntarily participate in the program to be able to access supportive services offered through the WTW program. CalWORKs recipients exempt from WTW activities may choose at any time to voluntarily participate in WTW activities or choose to end this participation, without loss of eligibility for CalWORKs aid, as long as the recipient's exemption status does not change in a way that would require their participation. Currently, individuals receiving CalWORKs can receive an exemption from participation in WTW activities if they are a parent or other relative who has primary, personal responsibility for caring for an infant in the first 12 weeks, six months, or 12 months after birth.

Sanctions. Absent of WTW exemptions, recipients must participate in a WTW plan as described above. The state compels CalWORKs recipients by issuing sanctions as a “stick.” If a family has failed or refused, as defined by current law, to participate, without “good cause,” in the WTW plan arranged with their county, which is a condition of aid, then families face sanctions or penalties pausing their aid. In order to cease the sanction, a recipient must sign and agree to a plan and then execute the planned work-related activities which can be the same activities previously agreed upon, or new, appropriate ones for 30 days or the length of the activity, whichever is less.

Racist history of public assistance and work requirements. Work requirements can be traced back to the Great Depression’s first public assistance programs. In the 1930s, states withheld assistance from Black families to force them to work, and enacted “farm policies” forcing Black families, but not White families, out into the fields at harvest time. In *“Fear Itself: The New Deal and the Origins of Our Time”*, Ira Katznelson explains how policies were a product of a compromise between liberal reformers and southern Democrats intent on maintaining control of Black labor. In 1943, Louisiana denied applicants or recipients of aid if they were needed in the cotton fields—including children as young as seven. (*Center on Budget and Policy Priorities, 2021*)

In the 1960s, Congress enacted a national work requirement and required states to make the appropriate families participate in work and training programs. A study released by the U.S. Department of Health, Education, and Welfare found that Black mothers participating in Aid to Dependent Children (renamed Aid to Families with Dependent Children) were almost twice as likely to work as their White counterparts. During the “Work Incentive Program” hearing in Congress in 1967, the newly established National Welfare Rights Organization (NWRO) organization which was led by mostly Black women, including chairwoman Johnnie Tillmon, testified before congress that women wanted to work, but health impediments and children were a barrier and that wages were not sufficient to feed her family. Ultimately, the Work Incentive Program became the first federal work mandate. Despite the “welfare queen” narratives popularized by during his 1976 presidential race, a 1977 report by the U.S. Labor Department,

“What Has Been Learned From the Work Incentive Program and Related Experiences: A Review of the Research with Policy Implications” concluded, “welfare recipients and other low-income persons (along with most Americans) have a strong work ethic, want to work and, when feasible, do work. There is no study which shows that a significant segment of the American population prefers indolence to work.”

In 1988, the Family Support Act of 1988 significantly expanded work requirements and reduced payments for those who did not participate. In 1996, TANF was established into what it is today enacting the strictest work requirements yet, and added Supplemental Nutrition Assistance Program work requirements. Political Scientist Marin Gilens found in a survey and published in *“Why Americans Hate Welfare”* that “the majority of White Americans believe that Blacks could be just as well off as Whites if they only tried harder. Furthermore, Gilens concluded that “were it not for Whites’ negative views of Blacks’ commitment to the work ethic, support for the least-favored welfare programs might more closely resemble the nearly unanimous support that education, health care, and programs for the elderly currently enjoy.”

In a 2009, study published in the American Sociological Review, *“Deciding to Discipline: Race, Choice, and Punishment on the Frontlines of Welfare Reform”* by Sanford Schram, Joe Soss, Richard Fording, and Linda Houser. They conducted a study exploring implicit biases when case workers consider WPR sanctions based on fictional recipients with race attached to their profile. They found that: “results for Latinas are mixed, but we find consistent evidence that the probability of a sanction rises significantly when a discrediting marker (i.e., a prior sanction for noncompliance) is attached to a black rather than a white welfare client. Overall, our study clarifies how racial minorities, especially African Americans, are more likely to be punished for deviant behavior in the new world of disciplinary welfare provision.”

Author’s Statement: According to the Author, “CalWORKs for too long has used discriminatory language and penalties against the very people the program is trying to help secure a better life. [This bill] will transform CalWORKs by changing its culture to one that empowers families through personal attention and support. We must do a better job of meaningfully connecting parents with support services to keep families whole, safe, healthy, housed, and fed. We want parents to succeed in working toward a better life for themselves and their children.”

Need for this bill: This bill revises CalWORKs sanction policies to reflect a more family assistance focused goal; replaces language to be more inclusive; removes WTW requirements to make WTW less compulsory and more voluntary to empower family choice; minimizing complicated documentation requirements; and expands WTW opportunities to include more learning and support activities.

This bill’s goal is to “reimagine CalWORKs” by shifting stigma, increasing choice, and focusing on lifting families out of poverty.

Equity Implications: In *“Harmful Obstacles: CalWORKs Work Participation Rate (WPR) Penalty”*, the Budget Center discusses the following current realities for the CalWORKs population. According to the report, CalWORKs parents face a labor market in which gender- and race-based discrimination is ongoing, as well as workplace expectations and practices that make it difficult for parents to balance work with caregiving responsibilities. These dynamics significantly affect CalWORKs parents, who are predominantly women, people of color, and

parents of young children. Furthermore, the labor market increasingly requires a secondary degree to obtain a job that pay as living wage, yet almost half of CalWORKs recipients do not have a high school degree. Thus, obtaining gainful employment that will provide a living wage is increasingly difficult. As described above, reevaluating how to view families using public assistance allows California to reconsider the best ways to help lift families out of poverty in a meaningful and long-term manner. Expanding WTW activities to focus on the overall family's wellbeing and the long-term gains including education in tradition and career-focused training programs, will have a lasting impact on those who currently qualify for public assistance and help the future of individuals who might need public assistance in the future.

RELATED AND PRIOR LEGISLATION:

AB 372 (Nguyen) of the current legislative session, would exclude specified income from apprenticeship or pre-apprenticeship programs for the purposes of determining CalWORKs eligibility. *This bill is pending before this Committee and is set to be heard on April 18, 2023.*

SB 65 (Skinner), Chapter 449, Statutes of 2021, established the “California Omnibus Act”, which, amongst other things, eliminates the mandatory requirement to work or participate in WTW for pregnant persons, and makes participation voluntary for all pregnant people, regardless of whether the individual meets prior exemption requirements.

AB 1004 (Calderon), Chapter 99, Statutes of 2021, deleted requirements that, in order to be exempt from being considered income under the CalWORKs program, income or stipends related to the decennial census must be earned on the year of or year prior to a census, so that all such income or stipends may be exempted, regardless of when it is earned, and made those changes effective immediately.

AB 79 (Committee on Budget), Chapter 11, Statutes of 2020, among other things, authorized a 60-month CalWORKs lifetime time limit and eliminated the 24-month time clock for certain WTW activities, effective May 1, 2022, or when CDSS notifies the Legislature that all necessary automation changes are complete.

AB 807 (Bauer-Kahan), Chapter 440, Statutes of 2019, exempted certain income, including certain scholarships and income for work on the decennial census, from being counted as income for purposes of determining CalWORKs eligibility and benefit amounts.

SB 1041 (Committee on Budget and Fiscal Review), Chapter 47, Statutes of 2012, among other things, exempted from WTW activities on a one-time basis, a parent or other relative that has primary responsibility for personally providing care to one child from birth to 23 months.

AB X4 4 (Evans), Chapter 4, Statutes of 2009, among other things, exempted parents or primary caretakers of a child age 12 months through 23 months, or two or more children under the age of six from participating in WTW activities.

AB 1542 (Ducheny), Chapter 270, Statutes of 1997, implemented the CalWORKs program, California's version of the federal TANF program.

REGISTERED SUPPORT / OPPOSITION:

Support

GRACE Institute - End Child Poverty in CA (Co-Sponsor)
John Burton Advocates for Youth (Co-Sponsor)
Parent Voices California (Co-Sponsor)
Western Center on Law & Poverty (Co-Sponsor)
A Voice for Choice Advocacy
California Alternative Payment Program Association
California Association of Food Banks
California Catholic Conference
California Family Resource Association
California High School Democrats
Child Abuse Prevention Center
Community Action Partnership of Orange County
Economic Security Project Action
Equal Rights Advocates
Food for People, the Food Bank for Humboldt County
Golden State Opportunity
Legal Aid Foundation of Los Angeles
Lutheran Office of Public Policy - California
National Association of Social Workers, California Chapter
National Council of Jewish Women CA
Nurse - Family Partnership
Oakland Promise
Women's Foundation of California, Dr. Beatriz Maria Solis Policy Institute (SPI)

Opposition

None on file

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